

Michigan Administrative Rules for Special Education (MARSE) – Current Rules

R 340.1708 and R 340.1721e

DEPARTMENT OF EDUCATION

SUPERINTENDENT OF PUBLIC INSTRUCTION

SPECIAL EDUCATION PROGRAMS AND SERVICES

(By the authority of the superintendent of public instruction under sections 1701 and 1703 of the revised school code, 1976 PA 451, MCL 380.1701 and 380.1703, and Executive Reorganization Order No. 1996-7, MCL 388.994)

R 340.1708 Visual impairment explained; determination.

Rule 8. (1) A visual impairment shall be determined through the manifestation of both of the following:

(a) A visual impairment which, even with correction, interferes with development or which adversely affects educational performance. Visual impairment includes both partial sight and blindness.

(b) One or more of the following:

(i) A central visual acuity for near or far point vision of 20/70 or less in the better eye after routine refractive correction.

(ii) A peripheral field of vision restricted to not more than 20 degrees.

(iii) A diagnosed progressively deteriorating eye condition.

(2) A determination of impairment shall be based upon a full and individual evaluation by a multidisciplinary evaluation team, which shall include an ophthalmologist or optometrist.

(3) If a student cannot be tested accurately for acuity, then functional visual assessments conducted by a teacher certified in visual impairment may be used in addition to the medical evaluation for determination of impairment.

(4) For students with visual impairment who have a visual acuity of 20/200 or less after routine refractive correction, or who have a peripheral field of vision restricted to not more than 20 degrees, an evaluation by an orientation and mobility specialist shall be conducted.

The orientation and mobility specialist shall also include in the report a set of recommended procedures to be used by a mobility specialist or a teacher of students with visual impairment in conducting orientation and mobility training activities.

R 340.1721e Individualized education program.

Rule 21e. (1) Pursuant to 34 CFR Part 300 (2019), an individualized education program team shall develop a written individualized education program that includes all of the following:

- (a) A statement of measurable annual goals, including measurable short-term objectives.
- (b) A statement documenting that the individualized education program team considered extended school year services.
- (c) For a child age 3 through 5, a statement of the child's socialization needs and ability to participate and progress in developmentally appropriate activities.

(2) All of the following apply to the determination of the need for extended school year services:

(a) The individualized education program team shall determine if a student's current annual goals address 1 or more skills that need extended school year services. For any identified annual goal, the individualized education program team shall consider all of the following:

- (i) Data that indicate that in the identified annual goal there is a potential for regression of skills beyond a reasonable period of recoupment.
- (ii) Data regarding the nature or severity of the disability of the student that indicate that there is a need to provide services in the identified annual goal during breaks in the school year.
- (iii) Information that indicates that in the identified annual goal the student is at a critical stage of learning or in a critical area of learning where failure to provide a service beyond the normal school year will severely limit the student's capacity to acquire essential skills.

(b) If the individualized education program team determines that any data or information described in subdivision (a)(i) to (iii) of this subrule indicates a need for extended school year services, the individualized education program team shall include extended school year services in the student's individualized education program.

(c) The individualized education program team shall not determine the need for extended school year services based on a formula or policy that prohibits full consideration of the unique educational needs of each student.

(d) The individualized education program team shall consider related services, transportation, supplementary aids and services, and instructional programming when planning a student's extended school year services.

(e) The individualized education program team shall conclude consideration of extended school year services in sufficient time to make plans for the delivery of extended school year services.

(3) Any participant in the individualized education program team's deliberations who disagrees, in whole or in part, with the team's determination may indicate the reasons on the team's

individualized education program report or may submit a written statement to be attached to the report.

(4) The individualized education program team shall determine the programs and services for a student with a disability pursuant to 34 CFR Part 300 (2019). The individualized education program team shall not restrict the individualized education program to the programs and services available.

(5) The individualized education program team shall consider the Michigan school for the deaf as a part of the total continuum of services for students who are deaf or hard of hearing. The resident district shall conduct the individualized education program team meeting that initiates an assignment to the Michigan school for the deaf. The individualized education program team shall invite representatives of the intermediate school district of residence and the Michigan school for the deaf to participate in the individualized education program team meeting.

(6) The school district of residence is responsible for conducting the initial individualized education program team meeting involving a student in its district and shall conduct, or authorize the operating district to conduct, each subsequent individualized education program team meeting at a mutually agreed upon time and place.

(7) The resident district shall attend the individualized education program team meeting when the district of residence has authorized the operating district to conduct each subsequent individualized education program team meeting.